

A RESOLUTION

15-471

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To designate the Committee on Public Works and the Environment Investigation into the conduct and operations of the District of Columbia Water and Sewer Authority as a Special Project of the Council of the District of Columbia; to authorize funding for the Committee on Public Works and the Environment to bring in appropriate experts to find solutions to the increased levels of lead in some District residents' tap water as well as independent health experts to keep the public abreast of related health issues; to evaluate the Water and Sewer Authority's structure; to assess the adequacy of public notification by the Water and Sewer Authority; and to authorize the Chairman of the Committee on Public Works and the Environment to hire appropriate personnel and report the Committee on Public Works and the Environment's findings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Committee on Public Works and the Environment Investigation into the Conduct and Operations of the District of Columbia Water and Sewer Authority Special Project Resolution of 2004".

Sec. 2. The Council of the District of Columbia ("Council") finds that:

(1) The United States Environmental Protection Agency has established a safe level for lead in drinking water of 15 parts per billion.

(2) Officials from the District of Columbia Water and Sewer Authority ("WASA") and the Army Corps of Engineers have been aware for years that the level of lead in some District residents' tap water exceeds 15 parts per billion, with one known home testing as high as 550 parts per billion.

(3) WASA officials initially failed to adequately notify the public and elected officials about increased levels of lead in some District residents' tap water.

(4) Increased levels of lead in the human body can cause damage to the brain, to the kidneys and to red blood cells.

(5) Increased levels of lead in the body are a particular danger for pregnant women, and children under 6 years of age. The District has issued an advisory for these specific populations who are living in homes with lead service lines to not drink unfiltered District tap water.

(6) The District has also advised all other members of the public with lead service lines to flush their taps for at least 10 minutes before drinking tap water or cooking with tap water.

(7) The Committee on Public Works and the Environment ("Committee") has held 3 public oversight hearings in a period of 3 weeks on the matter of the increased levels of lead in some District residents' tap water. These hearings were held on February 4, February 10

and February 25, 2004.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute reasons for a Special Project and hereby authorizes funding for the Special Project by the Committee, including the appointment of professional staff as needed. This investigation shall include, but not be limited to:

- (1) Bringing in appropriate experts to find solutions to the increased levels of lead in some District residents' tap water as well as independent health experts to keep the public abreast on related health issues;
- (2) Evaluating the Water and Sewer Authority's structure; and
- (3) Assessing the adequacy of public notification by WASA.

Sec. 4. The Council designates this investigation as a Special Project pursuant to Council Rule 253, and authorizes funding of no more than \$50,000 for appropriate personnel from the fiscal year 2004 Council budget to end by July 15, 2004. The Committee shall present its findings to the Council upon the conclusion of its investigation.

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

15-472

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to bring the District of Columbia into compliance with the Help America Vote Act of 2002.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Help America Vote Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an emergency regarding the need to bring the District of Columbia into compliance with the federal mandates of the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S. C. § 15301 *et seq.*) ("HAVA").

(b) In 2002, Congress passed HAVA to improve the administration of elections in the United States.

(c) In passing HAVA, Congress also authorized federal funds to assist states and localities to meet these new standards.

(d) After a review of the current election system, District of Columbia HAVA Planning Committee agreed that HAVA funds should go to modernizing the local computerized registration system, improving pollworker recruitment and training, expanding voter education, promoting barrier-free voting for persons with disabilities, and strengthening the infrastructure of the elections proves over the long term.

(e) In September of 2001, 5 District of Columbia voters, the Disability Rights Council, and the American Association for People with Disabilities, filed suit against the District of Columbia claiming that inaccessible voting systems and polling places were violations of the Americans with Disabilities Act.

(f) The suit was eventually settled pursuant to an agreement that requires the District of Columbia to purchase at least one accessible voting system for every polling place by the 2004 primary and sets a goal that "best efforts" will be made to ensure that all polling sites will be accessible by the same date.

(g) The Council passed the Presidential Primary Election Act of 2003, which changes the District's primary to the second Tuesday in January from the previous date of the first Tuesday in May.

(h) The accelerated date of the District of Columbia's primary required that the Council move swiftly in implementing its settlement agreement along with the federal mandates of HAVA to ensure that the new standards will be in place by the next elections, Tuesday, September 14, 2004, and Tuesday, November 2, 2004.

(i) D.C. Act 15-283, the Help America Vote Emergency Amendment Act of 2003, is scheduled to expire on March 17, 2004, and the temporary legislation is pending Congressional review, with a projected law date of April 6, 2004.

(j) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Help America Vote Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-473

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt from taxation certain real property of the Crispus Attucks Development Corporation, and to provide real property tax relief for the property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Crispus Attucks Development Corporation ("CADC"), formerly known as NUV-1, Inc., owns Crispus Attucks Park.

(b) The property is located in lot 0046 in square 3117 in the interior of the block bounded by U, V, First, and North Capitol Streets, N.W., and is bordered by row houses on all four sides, with limited access by several narrow alley opening sat each end of the row houses on U and V Streets.

(c) The property was deeded to NUV-1, Inc., in 1977 by the Chesapeake and Potomac Telephone Company and was used as a recreation center, funded by the District Department of Parks and Recreation until 1987, providing programs for youth and children.

(d) After the transfer, the property was exempt from real property taxes for many years, but at some point the Board of CADC failed to file the documents required to maintain the property's tax-exempt status.

(e) New leadership on a reorganized Board of Directors at CADC has mobilized to restore and maintain the site for community use. It has been landscaped with trees and grass and is used by the community and its children.

(f) The District of Columbia government continued to send tax bills and delinquency notices to CADC.

(g) To avoid the sale of the park for real property taxes, interest, penalties, fees, and other related assessed charges, the property had to be made tax-exempt once again and the existing tax liability forgiven.

(h) D.C. Act 15-287, the Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Assistance Emergency Act of 2003, will expire on March 21, 2004. D.C. Act 15-308, the Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Assistance Temporary Act of 2003, is pending Congressional review, and the projected law date is April 6, 2004. D.C. Act 15-363, the Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Assistance Act of 2004, is currently pending Congressional review, and the District of Columbia law projected dated is April 26, 2004.

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(i) It is important that the provisions of the emergency act continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-474

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to require that applications for Interim Disability Assistance be processed with reasonable promptness, to authorize the Mayor to establish rules for the application process, and to establish that the monthly grant amount shall be the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Interim Disability Assistance Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Interim Disability Assistance Second Emergency Amendment Act of 2003 (D.C. Act 15-278), is expected to expire on March 13, 2004. It requires that applications for Interim Disability Assistance be approved or disapproved by the Mayor with reasonable promptness. It also provides that other aspects of the application process, including good-cause exceptions to the application-processing standard, be determined by rules established by the Mayor, and establishes the monthly grant amount as the same as that for a family size of one for an individual or 2 for a couple under the Temporary Assistance to Needy Families program.

(b) The Interim Disability Assistance Temporary Amendment Act of 2004 (D.C. Act 15-303) is pending Congressional review.

(c) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Interim Disability Assistance Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-475

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to immediately establish a mandatory drug and alcohol testing program for District of Columbia government employees who provide direct services to children, to establish a criminal background checks program for the District of Columbia workforce, to establish uniform health screening requirements for all District of Columbia children, to establish an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families, and to establish a Trust Fund for Postsecondary Education Assistance into which shall be deposited funds generated by a tax check-off on individual income tax returns to assist needy children with the cost of postsecondary education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child and Youth, Safety and Health Omnibus Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) There exists an immediate need to establish additional statutory provisions that will serve as safeguards to the well-being of children in the District of Columbia.

(b) The Child and Youth, Safety and Health Omnibus Amendment Act of 2000 (D.C. Act 13-604) was adopted by the Council on December 19, 2000 and signed by the Mayor on February 9, 2001. However, D.C. Act 13-604 was not approved by the District of Columbia Financial Responsibility and Management Assistance Authority, and , therefore, never enacted into law.

(c) The Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003, effective December 18, 2003 (D.C. Act 15-279; 51 DCR 60), expires on March 13, 2004. The Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004, signed by the Mayor on January 27, 2004 (D.C. Act 15-304; 51 DCR 1359), is pending Congressional review, with a projected law date of March 23, 2004.

(d) Among the programs that are needed are the establishment of mandatory drug and alcohol testing for District of Columbia employees who provide direct services to children; the establishment of a criminal background check program for the workforce, which includes volunteers of District of Columbia agencies that provide direct services to children and youth and employees of the Child Support Enforcement Division of the Office of Corporation Counsel; the establishment of uniform health screening requirements for all District of Columbia children and uniform health forms; the establishment of an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2

years of age and their families; and the establishment of a Trust Fund for Postsecondary Education Assistance into which shall be deposited funds generated by a tax check-off on individual income tax returns to assist needy children with the cost of postsecondary education.

(e) Without the new statutory provisions required by the Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004, the strides the District of Columbia is making in protecting the health and safety of all District of Columbia children will be in jeopardy of being reversed.

(f) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to clarify the effective date of the estate tax filing threshold.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Estate and Inheritance Tax Clarification Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council has previously passed emergency and temporary legislation in December 2003 to clarify some elements of the District's estate tax law.

(b) The emergency version of the legislation, D.C. Act 15-281, will expire on March 17, 2004.

(c) The temporary version, D.C. Act 15-306, is still pending Congressional review and will not go into effect until March 23rd, or later, according to the Office of Legislative Services.

(d) In order to prevent a gap in authority for this change, the underlying Congressional review emergency legislation is warranted.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary the Estate and Inheritance Tax Clarification Congressional Review Emergency Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-477

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to establish the crime of identity theft, to provide penalties for the crime, to provide enhanced penalties for persons committing identity theft against persons 65 years of age or older, to authorize the court to provide restitution to the victim and to order the correction of public records containing false information as a result of the identity theft, and to require the Metropolitan Police Department to take reports of identity theft and provide the complainant with a copy of the report.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Identity Theft Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) On December 18, 2003, the Council enacted Bill 15-604, the Identity Theft Emergency Amendment Act of 2003. This act will expire on March 17, 2004.

(b) Bill 15-36, the Identity Theft Amendment Act of 2003, is not projected to become law until March 22, 2004.

(c) This emergency is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Identity Theft Congressional Review Emergency Amendment Act of 2004 to be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-478

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to establish that the office shall not have mandatory jurisdiction to hear District of Columbia Public Schools special education cases, and to clarify that funding for the adjudication of District of Columbia Public Schools special education cases shall remain in the Fiscal Year 2004 budget of the District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Office of Administrative Hearings Independence Preservation Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Council has enacted emergency legislation (D.C. Act 15-275) and temporary legislation (D.C. Act 15-302) to remove special education cases from the mandatory jurisdiction of the Office of Administrative Hearings ("OAH") due to a proposed consent decree signed by the Office of the Corporation Counsel and the District of Columbia Public Schools in the *Blackman, et. al. v. District of Columbia, et. al.* class-action lawsuit. This consent decree would have undermined the independence that was a fundamental purpose of the legislation that established OAH as a centralized adjudications panel for the District of Columbia government.

(b) The emergency legislation will expire on March 17, 2004, and the temporary legislation is still undergoing Congressional review, and will not become law before the emergency legislation expires.

(c) Therefore, the Council must approve this emergency legislation to maintain the effectiveness of its policy decision to remove special education cases from OAH's mandatory jurisdiction.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Office of Administrative Hearings Independence Preservation Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-479

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend An Act To establish a code of a law for the District of Columbia to require that an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings and is to be released from detention in the criminal or transfer proceeding be remanded by the court to the hospital for detention pending a hearing on a civil commitment petition that was filed prior to the court's determination that the person be released, to provide that a person who is so detained may request a probable cause within 7 days of the remand order, to require that requested probable cause hearing be held within 24 hours of receipt of the request, and to require that a court stay for a period not to exceed 48 hours execution of an order releasing an accused person who has been found mentally incompetent to stand trial or to participate in transfer proceedings, and for whom a civil commitment petition has not been filed, to afford the appropriate authority an opportunity to initiate proceedings for the person's emergency hospitalization under Chapter 5 of Title 21 of the District of Columbia Official Code.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Prevention of Premature Release of Mentally Incompetent Defendants Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) On January 6, 2004, the Council enacted Bill 15-628, the Prevention of Premature Release of Mentally Incompetent Defendants Emergency Amendment Act of 2004. This act will expire on April 5, 2004.

(b) Bill 15-629, the Prevention of Premature Release of Mentally Incompetent Defendants Temporary Amendment Act of 2004, is pending Congressional review, and the permanent version of the legislation, Bill 15-665, is pending before the Judiciary Committee.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Prevention of Premature Release of Mentally Incompetent Defendants Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-480

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 1, 2004

To declare the existence of an emergency, due to Congressional review, with the respect to the need to allow the Public Service Commission the flexibility to facilitate wholesale competitive bidding, conduct retail competitive bidding, or both, for standard offer service, to permit standard offer service to be provided by the incumbent electric company, to change the date after which the standard offer service provider or providers will provide standard offer service to February 7, 2005, to clarify that the Commission's contingency plan for standard offer service shall apply in the event of either insufficient or inadequate competitive bids, and to require the Public Service Commission to determine the threshold financial viability of wholesale bidders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Electric Standard Offer Service Congressional Review Emergency Declaration Resolution of 2004".

Sec. 2. (a) "Standard offer service," also known as "default service," is the provision of electricity to customers who do not choose an electricity provider or who do not qualify to choose an electricity provider. Determining the appropriate mechanism for selection of a standard offer service provider has been of great concern to the Council.

(b) Pursuant to D.C. Official Code § 34-1509, before January 2, 2004, the District of Columbia Public Service ("Commission") must adopt regulations or issue orders establishing the terms and conditions for standard offer service and for the selection of an electricity supplier to provide standard offer service after January 1, 2005.

(c) To fulfill its statutory mandate, the Commission initiated Formal Case 1017 on February 21, 2003 to establish a procedure for selecting a new standard offer service provider. The Commission has set forth the following procedural schedule for the standard offer service proceeding:

August 29, 2003	Parties submit proposed SOS regulations.
September 30, 2003	Notice and publish SOS regulations.
October 30, 2003	Initial comments on SOS regulations due.
November 17, 2003	Reply comments on SOS regulations.

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December 31, 2003

Commission Order.

February 2004

RFP to be published (retail bidding model – current law)

June 2004

Final Bidder to be Selected.

(d) The District of Columbia's current standard offer service statute, D.C. Official Code § 34-1509, contemplates the selection of a standard offer service provider only through a retail bidding process - that is, the Commission conducts a competitive bidding process to select a company to be the standard offer service provider.

(e) The Commission seeks expanded statutory authority to determine whether to select a standard offer service provider through a retail or wholesale bidding process. It is necessary for the District's utility regulator to have the greatest flexibility to determine: (1) whether to select multiple standard offer service providers; (2) whether a retail or wholesale bidding process best serves the public interest (and to make such a determination before completing the retail bidding process); and (3) the threshold financial viability of wholesale bidders.

(f) The Electric Standard Offer Service Emergency Amendment Act of 2003 was adopted by the Council on December 2, 2003, and signed by the Mayor on December 18, 2003. The emergency legislation is set to expire on March 17, 2004.

(g) Permanent legislation (Bill 15-439, the Electric Standard Offer Service Amendment Act of 2003) is similar to the Electric Standard Offer Service Emergency Amendment Act of 2003. Bill 15-439 was signed by the Mayor on January 27, 2004, with a projected effective date of March 23, 2004.

(h) Emergency legislation is necessary to allow the Public Service Commission to continue exercising the authority granted by the Electric Standard Offer Service Emergency Amendment Act of 2003 without interruption.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Electric Standard Offer Service Congressional Review Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-481

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency with respect to the need to provide members of the Commission on Selection and Tenure of Administrative Law Judges with protection from liability in the case of a lawsuit filed in connection with the performance of their official duties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Selection and Tenure of Administrative Law Judges Non-Liability Emergency Declaration Resolution of 2004".

Sec. 2. (a) The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), established a 3-member body, the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings ("Commission"), that has the final authority to appoint, reappoint, discipline, and remove administrative law judges employed by the Office of Administrative Hearings ("OAH").

(b) Commission members, who perform their important function as volunteers, have stated that they are unwilling to proceed with the appointment of administrative law judges to hear OAH cases until there is a statutory provision for their indemnification if they are sued for actions taken in the performance of their official duties.

(c) OAH is scheduled to begin hearing cases on March 22, 2004, that were previously heard by the Department of Health, the Department of Human Services, the Board of Appeals and Review, the Department of Motor Vehicles, and the Child and Family Services Agency. Therefore, it is necessary to address this issue on an emergency basis to ensure that hiring is completed by the March 22, 2004, commencement of OAH operations, or there will be no mechanism to hear appeals of these cases.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Commission on Selection and Tenure of Administrative Law Judges Non-Liability Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-482

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency with respect to the need to amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, to establish a new time period for the disposition of property located in Ward 8 and approved by the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposal of District-Owned Surplus Real Property in Ward 8 Emergency Declaration Resolution of 2004."

Sec. 2. (a) There exists an immediate need to enact legislation to establish a new two-year time period set forth in section 3 of the Disposal of District Owned Surplus Property Amendment Act of 1989 as it applies to the disposition of property approved by the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000 ("Resolution").

(b) The Resolution was introduced in the Council of the District of Columbia ("District") on October 13, 2000, and approved by the Council on December 5, 2000.

(c) The Resolution approved the Request for Proposals for the Disposition of Camp Simms Approval Resolution of 2000 prepared by the Department of Housing and Community Development ("DHCD") for the purpose of soliciting proposals for the disposition and development of Camp Simms, Lot 804, Square 5912 in Ward 8, located generally between Alabama and Mississippi Avenues and 15th Street and Stanton Road, S.E. The Request for Proposal ("RFP") provided for the comprehensive development of Camp Simms with a neighborhood shopping center fronting on Alabama Avenue and a single-family residential community on the Mississippi Avenue portion of the property.

(d) DHCD subsequently released a RFP on January 12, 2001. Congress Heights Redevelopment, LLC ("CHR"), a joint venture between William C. Smith & Co., Inc., Mid-City Urban (FDS Camp Simms), LLC, and East of the River, CDC, submitted their response to the RFP on March 12, 2001. CHR received a Notice of Award ("Notice") from DHCD on April 30, 2001.

(e) Immediately upon receiving the Notice, CHR entered into negotiations with DHCD

to secure an Exclusive Right Agreement and a Land Disposition Agreement for acquisition and development of the property.

(f) Because the subject site was a Formerly Used Defense Site ("FUDS"), immediately following the Notice, CHR met with the District of Columbia's Department of Health, Environmental Health Administration ("DCEHA") and United States Army Corps of Engineers ("USACE") to discuss the environmental conditions of the site. USACE agreed to conduct a re-analysis of existing geophysical data. The re-analysis did not confirm the presence of any hazards, but recommended further investigation to verify the USACE's findings. To ensure the safety of workers at the site and future residents, the USACE agreed to perform additional field investigation in the fall of 2001. CHR and DHCD have worked diligently and made significant progress to expedite the development of this important project, and CHR has completed all significant site characterizations and due diligence activities necessary to begin the project, including topographic and boundary survey, geotechnical soils report, traffic study, and Phase I and II environmental reports.

(g) On July 30, 2001, the USACE issued a press release that further investigation at Camp Simms would be performed, beginning in October 2001. The USACE did not mobilize and begin field investigation until March 2002. A draft Supplementary Focused Site Inspection was issued in May 2002, but needed District and Environmental Protection Agency ("EPA") concurrence that the investigation has been completed and no further action was required by the USACE. DHCD requested that the USACE return to the site and investigate to confirm that a pressurized release incident that occurred during drilling was not due to munitions or tied to the former use of the site. The USACE returned to the site to investigate on September 5, 2003. The USACE has indicated that the report is now in final form and awaits concurrence from the EPA and the District. Notwithstanding the delays caused by USACE's soil/environmental investigations, CHR has invested a significant amount of time, money, and resources into this project and has finalized its site plan. The Large Tract Review was approved on November 18, 2003.

(h) In accordance with the RFP, part of the comprehensive development of Camp Simms includes a residential component on the Mississippi Avenue portion of the property. CHR proposes to build a 72-unit, single-family homeownership residential community. A new 2-year time period is needed so that CHR can demonstrate sufficient control of the site and secure financing as soon as possible to be able to take advantage of current low interest rates, which will keep down the development costs of the project and the new homes that will be built on the site.

(i) In accordance with the RFP, part of the comprehensive development of Camp Simms includes a commercial component fronting on Alabama Avenue. CHR proposes to build a neighborhood shopping center anchored by a supermarket. On April 22, 2003, the developer executed a Letter of Intent with Giant Food, Inc. A lease was received from Giant Food, Inc. on September 5, 2003 to begin negotiations. There is an immediate need for the new 2-year time period because CHR has to demonstrate continuous site control to be able to negotiate a timely

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lease with Giant Food, Inc.

(j) Notwithstanding the delays and predevelopment activities, CHR has continued to invest time, money, and resources to ensure a developable site that is safe for those during construction and the new homeowners after construction. CHR is fully committed to the Congress Heights community and is now ready to obtain permits necessary to complete the development of this site as soon as the new two-year time period is granted.

(k) Due to the unanticipated delays set forth in subsections (f) and (g) of this section and the reasons enumerated in subsections (h), (i), and (j) of this section, CHR and DHCD determined that it is necessary to establish a new 2-year time period to ensure disposition of the property and completion of the development project. CHR has made a request for an extension of time to DHCD.

(l) DHCD is unable to extend the period of time of the underlying statutory authority for DHCD to negotiate the Exclusive Right Agreement and Land Disposition Agreement in the absence of Council action to allow DHCD's execution of the property disposition approved by the Resolution.

(m) The expiration of the statutory time period necessitates immediate action by the Council to establish a new two-year time period during which DHCD is authorized to extend the time period of the Exclusive Right Agreement and take other necessary actions to complete the disposition of the property.

(n) Development of the Camp Simms site is in the best interest of the District, Ward 8, and the surrounding neighborhood. The development of this long-blighted site will provide needed residential development and new homeownership opportunities. The residential component also appropriates 25% of profits toward the operations and programming of THEARC, a \$21-million town hall, arts, and recreation center, already under construction and 2 blocks from the Camp Simms project. The commercial portion of the project will create a neighborhood shopping center and a much-needed supermarket that will meet the underserved needs of the Ward 8 community. During construction, it is estimated that this project will create 400 to 500 jobs, and upon completion, 350 to 400 permanent jobs, and promote economic growth in the area. Moreover, the completion of the project will transfer a government-owned, tax-exempt property into private-sector ownership, with estimated yearly real estate taxes of \$600,000 and millions of dollars in sales, payroll, and business tax revenue.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Disposal of District-Owned Surplus Real Property in Ward 8 Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-483

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency with respect to the need to approve the proposed plan for establishing the maximum number of inmates that can be housed at any one time within the Central Detention Facility, consisting of a contract with Pulitzer/Bogard Associates, who, upon approval of the plan by the Council, will determine the maximum number of inmates that can be housed at any one time within the Central Detention Facility based upon physical capacity, programming, classification system, and housing plan of the Central Detention Facility.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Central Detention Facility Plan Emergency Declaration Resolution of 2004".

Sec. 2. (a) Pursuant to section 5(b) of the District of Columbia Jail Improvement Amendment Act of 2003, effective January 30, 2004 (D.C. Law 15-62; 50 DCR 6574), the Mayor is required to submit a plan to the Council for establishing the maximum number of inmates that can be housed at the District of Columbia's Central Detention Facility ("CDF"). The Department of Corrections has awarded the contract for making the determination to Pulitzer/Bogard and Associates.

(b) The plan will be used to assess the physical conditions and the day-to-day operations at CDF, to determine its optimal inmate capacity.

(c) The Council must approve the proposed plan by March 18, 2004 or the proposed plan shall be deemed disapproved.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Central Detention Facility Plan Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

15-484

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To approve, on an emergency basis, the proposed plan for establishing the maximum number of inmates that can be housed at any one time within the Central Detention Facility, consisting of a contract with Pulitzer/Bogard Associates, who, upon approval of the plan by the Council, will determine the maximum number of inmates that can be housed at any one time within the Central Detention Facility based upon physical capacity, programming, classification system, and housing plan of the Central Detention Facility.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Central Detention Facility Plan Emergency Approval Resolution of 2004".

Sec. 2. Pursuant to section 5(b) of the District of Columbia Jail Improvement Amendment Act of 2003, effective January 30, 2004 (D.C. Law 15-62; 50 DCR 6574), the Council of the District of Columbia approves the proposed plan for establishing the maximum number of inmates that can be housed at any one time within the Central Detention Facility, consisting of Contract No. 15-171 with Pulitzer/Bogard Associates, which shall determine the maximum number of inmates that can be housed at any one time within the Central Detention Facility.

Sec. 3. A copy of this resolution shall be transmitted to the Mayor upon its adoption.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-485

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency with respect to the need to authorize the establishment and administration of a business improvement district in the Mount Vernon Triangle area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Establishment of the Mount Vernon Triangle Business Improvement District Emergency Declaration Resolution of 2004".

Sec. 2. (a) Landowners and tenants in the Mount Vernon Triangle area have petitioned for the creation of a business improvement district ("BID") in the Mount Vernon Triangle area.

(b) The Mayor has received an application to approve the establishment of the Mount Vernon Triangle BID, pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 12-26; D.C. Official Code § 2-1215.01 *et seq.*).

(c) The Mount Vernon Triangle BID organization would like to be authorized to provide services as soon as possible in order to help create a cleaner and safer environment in the Mount Vernon Triangle and improve the marketability of the area.

(d) In order for businesses and organizations in the Mount Vernon Triangle area to be included on the BID tax roll, they must be included on a list submitted to the Chief Financial Officer.

(e) The Mount Vernon Triangle BID will be best able to begin providing services if the BID tax roll is submitted for the April 2004 tax bills.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Establishment of the Mount Vernon Triangle Business Improvement District Emergency Amendment Act of 2004 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-486

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To declare the existence of an emergency with respect to the need to approve, on an emergency basis, proposed Contract No. CAS 15-174, Contract Modification #13 to Master Agreement DCFRA#00-C-039 between the Department of Health and the Greater Southeast Community Hospital Corporation I, D.C. Chartered Health Plan Inc., Unity Health Care, Inc., Children's National Medical Center, and the George Washington University Hospital in the amount of \$96 million for the 3rd and 4th contract years to provide health care services for the eligible uninsured population.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CAS 15-174, Contract Modification #13 to Master Agreement DCFRA #00-C-039 Emergency Declaration Resolution of 2004".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a(j) of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a(j)), the Mayor submitted a summary to the Council on February 19, 2004 for review and approval of Contract No. CAS 15-174, Contract Modification #13 to Master Agreement DCFRA #00-C-039 between the Department of Health and the Greater Southeast Community Hospital Corporation I, D.C. Chartered Health Plan Inc., Unity Health Care, Inc., Children's National Medical Center, and the George Washington University Hospital in the amount of \$96 million for the 3rd and 4th contract years to provide health care services for the eligible uninsured population.

(b) The contract was submitted in its entirety on February 27, 2004.

(c) Health care providers have not been paid since December 31, 2003 for health care services provided to D.C. HealthCare Alliance patients because no contract has been in place.

(d) Contract Modification #13 to Master Agreement DCFRA #00-C-039 needs to be approved on an emergency basis in order for health care providers to get paid for health care services provided to D.C. HealthCare Alliance patients.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CAS 15-174, Contract Modification #13 to Master Agreement DCFRA #00-C-039 Emergency Approval Resolution of 2004 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-487

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2004

To approve, on an emergency basis, proposed Contract No. CAS 15-174, Contract Modification #13 to Master Agreement DCFRA #00-C-039 between the Department of Health and the Greater Southeast Community Hospital Corporation I, D.C. Chartered Health Plan Inc., Unity Health Care, Inc., Children's National Medical Center, and the George Washington University Hospital in the amount of \$96 million for the 3rd and 4th contract years to provide health care services for the eligible uninsured population.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CAS 15-174, Contract Modification #13 to Master Agreement DCFRA #00-C-039 Emergency Approval Resolution of 2004".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a(j) of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a(j)), the Council of the District of Columbia approves Contract No. CAS 15-174, Contract Modification #13 to Master Agreement DCFRA #00-C-039 between the Department of Health and the Greater Southeast Community Hospital Corporation I, D.C. Chartered Health Plan Inc., Unity Health Care, Inc., Children's National Medical Center, and the George Washington University Hospital in the amount of \$96 million for the 3rd and 4th contract years to provide health care services for the eligible uninsured population, a summary of which was transmitted by the Mayor to the Council on February 19, 2004 for review and approval, followed by transmittal of the contract on February 27, 2004.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution to the Mayor upon its adoption.

Sec. 4. This resolution shall take effect immediately.